

# **Manual of Policies and Procedures**

## **CHILD WELFARE SERVICES**



**STATE OF CALIFORNIA**  
**Arnold Schwarzenegger, Governor**  
**HEALTH AND HUMAN SERVICES AGENCY**  
**S. Kimberly Belshé, Secretary**  
**DEPARTMENT OF SOCIAL SERVICES**  
**Tameron Mitchell, Chief Deputy Director**

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## CHILD WELFARE SERVICES PROGRAM

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This User's Manual is issued as an operational tool. It contains the following:

- a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries;
- b) Regulations adopted by other State Departments affecting CDSS programs;
- c) Statutes from appropriate Codes which govern CDSS programs;
- d) Court decisions; and
- e) Operational standards by which CDSS staff will evaluate performance within CDSS programs.

Regulations of CDSS are printed in gothic type as in this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and phrases **"HANDBOOK BEGINS HERE"**, **"HANDBOOK CONTINUES"**, and **"HANDBOOK ENDS HERE"** in bold print. Please note that both other departments' regulations and statutes are mandatory, not optional.

In addition, please note that revised language in this manual letter will be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

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**CHILD WELFARE SERVICES PROGRAM**

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**CHILD WELFARE SERVICES PROGRAM  
GENERAL REQUIREMENTS**

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## **DIVISION 31 CHILD WELFARE SERVICES PROGRAM**

### **CHAPTER 31-000 GENERAL REQUIREMENTS**

<b>31-001</b>	<b>GENERAL</b>	<b>31-001</b>
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- .1 The requirements specified in Sections 31-005 through 31-525 shall be met by the county in the administration of child welfare services.
- .2 The requirements specified in Section 31-001 through Section 31-525 shall be met by county probation departments when placing children in out-of-home care.
- .3 The following special provisions shall also apply:
  - .31 Provision of services to a child or family when the child is under the jurisdiction of Interstate Compact on the Placement of Children shall be subject to the additional requirements specified in Section 31-510.
  - .32 Provision of services to an Indian child shall be subject to the additional requirements specified in Sections 31-515 and 31-520.
  - .33 Provision of services to each child in placement age 16 or older shall be subject to the additional requirements specified in Section 31-525.
  - .34 Provision of services to a child or family when the child is placed out-of-county shall be subject to the additional requirements specified in Section 31-505.
  - .35 Pursuant to Section 472 of the Social Security Act and Welfare and Institutions Code Sections 727 and 11404, a written agreement shall be in effect between the probation department and the welfare department in order to claim federal and/or state AFDC-FC for costs of care for foster children supervised by a probation department.

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- .351 Chapter 29-400 of the Manual of Policies and Procedures (MPP) provides in Handbook a sample of the written agreement executed between the probation department and county welfare department, along with the requirements for maintenance of these agreements.

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NOTE: Authority Cited: Sections 10553, 10554, 16520, and 16521, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 361.2(c) and (d), 727, 11404, 16520, and 16521, Welfare and Institutions Code; Section 7901, Family Code; 25 USCA Section 1901 et seq.; and 42 USC Sections 675 and 677.

<b>31-002</b>	<b>DEFINITIONS</b>	<b>31-002</b>
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- (a) (1) "Administrative review" means a review open to the participation of the parents of a child in foster care conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.
- (2) "Adult" means a person 18 years of age or older.
- (3) "Advocate" means the person or persons authorized to provide advocacy services pursuant to Section 5520 et seq. of the Welfare and Institutions Code.
- (4) "Agreement" means a written document signed by two or more persons specifying what each person plans and agrees to do and/or not do with regard to accomplishing specifically stated objectives.
- (5) "Aid to Families With Dependent Children – Foster Care (AFDC-FC)" means aid provided on behalf of needy children in foster care who meet the eligibility requirements as specified in CDSS regulations and in applicable state and federal laws.
- | (6) "Approval Agency" means the agency that has the responsibility to approve the homes of relative and non-relative extended family members as meeting the same standards as those set forth in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.
- | (7) "Approval Document" means a non-transferable form by which the approval agency certifies a specific relative or nonrelative extended family member at a specific location meets the standards as specified in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, and includes any documented alternative plan.
- (8) "Approval Standards" means the caregiver standards as set forth in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3 and MPP Section 31-445 that must be met before a foster family home license or approval can be issued.
- (9) "Approved Foster Family Home" means the home of a relative or nonrelative extended family member that is exempt from licensure and approved as meeting the same standards as licensed foster family homes as set forth in Foster Family Home Regulations, Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3. For the purposes of this section, an "approved foster family home" shall include the home of a person related to the child by birth or adoption within the fifth degree of kinship, as defined in Welfare and Institutions Code Section 361.3(c)(2), regardless of whether the parent's rights to the child have been terminated or relinquished.

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (10) "Assessment" means a written document which contains information relevant to the case situation and an appraisal of case services needs.
- (b) (1) "Boarding home" means a small family home or foster family home.
- (c) (1) "California Department of Justice Clearance" means an individual has submitted his or her fingerprints to the California Department of Justice (DOJ). DOJ has conducted a fingerprint search of its criminal records, and this search did not generate a report that the individual has any felony or misdemeanor convictions, other than a minor traffic violation.
- (2) "Case management" means a service-funded activity performed by the social worker which includes assessing the child's/family's needs, developing the case plan, monitoring progress in achieving case plan objectives, and ensuring that all services specified in the case plan are provided.
- (3) "Case plan" means a written document which is developed based upon an assessment of the circumstances which required child welfare services intervention; and in which the social worker identifies a case plan goal, the objectives to be achieved, the specific services to be provided, and case management activities to be performed.
- (4) "Case plan update" means a written document which contains any changes regarding the information in the case plan and includes specific information about the current condition of the child and family.
- (5) "Case record" means a record for each child receiving child welfare services beyond the emergency response protocol, that contains all of the documentation requirements specified by the Division 31 regulations.
- (6) "Certified" means a community treatment facility that has been approved by the California Department of Mental Health as complying with the standards established for that program.
- (7) "Certified family home" means a family residence certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used only by that foster family agency for placements.
- (8) "Child" means a person under 18 years of age or a person up to 19 years of age who meets the requirements of Section 11403 of the Welfare and Institutions Code. For community treatment facilities, child means a person under 18 years of age who is seriously emotionally disturbed as defined in Section 5600.3 of the Welfare and Institutions Code, including those individuals 18 through 21 years of age as specified in Section 1924(b) of the California Code of Regulations, Title 9, Chapter 11.

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California Code of Regulations, Title 9, Section 1924(b) states:

- "(b) Individuals who are special education pupils identified in paragraph (4) of subdivision (c) of Section 56026 of the Education Code and who are placed in a CTF prior to age eighteen pursuant to Chapter 26.5 of the Government Code may continue to receive services through age 21 provided the following conditions are met:
- "(1) They continue to satisfy the requirements of subsection (a).
- "(2) They have not graduated from high school.
- "(3) They sign a consent for treatment and a release of information for CTF staff to communicate with education and county mental health professionals after staff have informed them of their rights as an adult.
- "(4) A CTF obtains an exception from the California Department of Social Services to allow for the continued treatment of the young adult in a CTF."

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- | (9) "Child abuse" means the nonaccidental commission of injuries against a person. In the case of a child, the term refers specifically to the nonaccidental commission of injuries against the child by or allowed by a parent(s)/guardian(s) or other person(s). The term also includes emotional, physical, severe physical, and sexual abuse as defined in Sections 31-002(c)(7)(A) through (D).
- (A) "Emotional abuse" means nonphysical mistreatment, the results of which may be characterized by disturbed behavior on the part of the child such as severe withdrawal, regression, bizarre behavior, hyperactivity, or dangerous acting-out behavior. Such disturbed behavior is not deemed, in and of itself, to be evidence of emotional abuse.
- (B) "Physical abuse" means nonaccidental bodily injury that has been or is being inflicted on a child. It includes, but is not limited to, those forms of abuse defined by Penal Code Sections 11165.3 and .4 as "willful cruelty or unjustifiable punishment of a child" and "corporal punishment or injury."

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- (C) "Severe physical abuse" means any single act of abuse which causes physical trauma of sufficient severity that, if left untreated, it would cause permanent physical disfigurement, permanent physical disability, or death; any single act of sexual abuse which causes significant bleeding, deep bruising, or significant external or internal swelling; or repeated acts of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.
- (D) "Sexual abuse" means the victimization of a child by sexual activities, including, but not limited to, those activities defined in Penal Code Section 11165.1.

(10) "Child Abuse Central Index (CACI)" means the California Department of Justice maintained statewide, multi-jurisdictional, centralized index of child abuse investigation reports. These reports pertain to alleged incidents of physical abuse, sexual abuse, mental/emotional abuse and/or severe neglect.

(11) "Child Abuse Central Index (CACI) Clearance" means that the California Department of Justice has conducted a name search of the index and the search did not result in a match, or if there is a match the allegation(s) was not substantiated by the Department after independent review and investigation pursuant to Section 1522.1 of the Health and Safety Code.

(12) "Childcaring Institution" means a group home.

(13) "Child Health and Disability Prevention (CHDP)" means a public health well child program to provide medical and dental care and assessment services to eligible children. The program is administered at the state level by the Department of Health Services and locally by local health departments.

(14) "Child in immediate danger" means a child whose health and safety are in jeopardy as described in Welfare and Institutions Code Section 306(b).

(15) "Child-placing agency" means a county welfare or social services department and a county probation department when subject to the provisions of Welfare and Institutions Code Section 202.5.

(16) "Child welfare services" means public social services directed toward protecting and promoting the welfare of children as defined by Welfare and Institutions Code Section 16501(a).

(17) "Child with Special Health Care Needs" means a child who is under 18 years of age or a person 22 years or younger, who meets the requirements of Section 17710(a) of the Welfare and Institutions Code.

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(A) Welfare and Institutions Code Section 17710(a) provides:

"'Child with special health care needs' means a child, or a person who is 22 years of age or younger who is completing a publicly funded education program, who has a condition that can rapidly deteriorate resulting in permanent injury or death or who has a medical condition that requires specialized in-home health care, and who either has been adjudged a dependent of the court pursuant to Section 300, has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has a developmental disability and is receiving services and case management from a regional center."

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- (18) "Child's Case Plan" means the portion of the case plan that identifies a child's specific needs and services. This plan shall contain the information on the background and needs of the child that the placing social worker deems necessary for the effective care of the child. For the purpose of approval of a home, the "child's case plan" meets the requirements for the Needs and Services Plan as identified in Foster Family Home Regulations, California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.
- (19) "Community planning" means participation in local efforts in order to develop new services to resolve problems and in order to improve the coordination between existing services.
- (20) "Community Treatment Facility" means any residential facility that provides mental health treatment services to children in a group setting which has the capacity to provide secure containment. The facility's program components shall be subject to program standards developed and enforced by the California Department of Mental Health pursuant to Section 4094 of the Welfare and Institutions Code.
- (21) "Compact Administrator" means an individual designated by the Governor as the Administrator of the Interstate Compact on the Placement of Children.
- (22) "Concurrent Services Track" means the portion of the case plan for a child receiving family reunification services which identifies the child's permanency alternative and the services necessary to achieve permanency should family reunification fail.

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- (23) "Conservator" means a person appointed pursuant to Section 5350 of the Welfare and Institutions Code. In the event a child has a conservator and a parent(s), the conservator's authority to consent to placement and treatment shall take precedence.
- (24) "Consultation" means activity on the child's behalf in which county staff or a third person or organization seek the expertise of the other.
- (25) "Contact" means contact in person, in writing, or by telephone by a social worker or other person authorized by the Division 31 regulations to make case contacts with the child, parent(s)/guardian(s), out-of-home care providers, and/or other persons involved in the case plan (e.g., siblings, other relatives).
- (26) "Contiguous County" means counties whose borders touch on one side. County borders that are separated by a body of water are considered to be contiguous.
- (27) "Conviction" means:
  - (A) A criminal conviction in California; or
  - (B) Any criminal conviction of another state, federal, military or other jurisdiction, which if committed or attempted in California, would have been punishable as a crime in California.
- (28) "Coordination" means activity on the child's behalf in order to integrate the activities of county staff and third persons or organizations in solving a specific problem.
- (29) "Counseling" means assisting the child and his/her family to analyze and better understand the situation; select methods of problem-solving; identify goals; and explore alternative behavior.
- (30) "County" means a county welfare or social services department.
- (31) "County Deputy Director" means that position in the county that is responsible for countywide supervision of the county's Child Welfare Services program.
- (32) "County of Residence" means the county in which the child resides.
- (33) "County Plan" means, for the purpose of the Independent Living Program, a written document for the federal fiscal year that describes the county programs, goals and objectives to meet the services needs and activities of ILP youth.

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- | (34) "County Staff" means those public employees responsible, directly or indirectly, for the delivery or authorization for the delivery of social services, and whose salaries or wages are funded in whole or in part through the Social Security Act Titles IV-B or IV-E, or Title XX (as described in the child welfare services component of the California Department of Social Services publication "Title XX Block Grant Preexpenditure Report"). This does not include employees of contract agencies under contract to the county for the delivery of social services or individual contractors.
- | (35) "California Law Enforcement Telecommunications System (CLETS)" means law enforcement or other governmental agency maintained state summary of a person's criminal history information pursuant to Welfare and Institutions Code Section 16504.5.
- | (36) "Criminal Records Check" means an inquiry into the CLETS and the submission of two sets of fingerprints to the Department of Justice for the purpose of reviewing a person's criminal history in accordance with Health and Safety Code Section 1522.1.
- | (37) "Criminal Records Clearance" means an individual has a California Department of Justice clearance and an FBI clearance or evidence of compliance with FBI requirements as specified in Health and Safety Code Section 1522(d)(1)(D).
- | (38) "Crisis intervention" means determining the cause of the crisis; offering support to all family members; defusing the situation; and assessing the potential for harm to all family members.
- (d) (1) "Day care" means day care as described by Health and Safety Code Section 1596.750 in defining a child day care facility.
- (2) "Department" means the California Department of Social Services (CDSS).
- (3) "Discharge Plan" means a systematic, coordinated transition plan created for a child under the age of six who is leaving a group home placement to return to family or kin or to a foster family home placement in which the social worker prescribes the follow-up services to be provided to support the child and the child's family and the duration of such services.
- (4) "Documented Alternative Plan" means a written authorization for a foster family home to use an alternative, based on a unique need or circumstance specific to a child being considered for placement, to meet the intent of a specified standard as permitted in California Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3.



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- (e) (1) "Eligible" means entitled to receive necessary child welfare services.
- (2) "Emancipated Youth" means, young adults who are former foster/probation children who have left foster care because they have reached at least 18 years of age and up to the day prior to their 21<sup>st</sup> birthday.
- (3) "Emergency assessment" means an immediate determination of the suitability of a relative or nonrelative extended family member by a county welfare department or probation department for the temporary placement of a child, based on an in-home inspection to assess the safety of the home, the ability of the individual to care for the child during the temporary period, and a consideration of the results of a criminal records check and a check of reports of suspected child abuse or neglect.
- (4) "Emergency Assistance" means the program which supports services to families for the purpose of alleviating emergency situations that meet certain criteria as specified in the Title IV-A State Plan implementing 45 CFR 233.120.
- (5) "Emergency in-home caretaker" see definition of "Temporary in-home caretaker."
- (6) "Emergency response assessment" means an assessment of an emergency response referral conducted by a social worker skilled in emergency response for the purpose of determining whether an in-person investigation is required.
- (7) "Emergency response in-person investigation" means a face-to-face response by a social worker skilled in emergency response for the purpose of determining the potential for or the existence of any condition(s) which places the child or any other child in the household at risk and in need of services and which would cause the child to be a person described by Welfare and Institutions Code Sections 300(a) through (j).
- (8) "Emergency response protocol" means the documented activities of the emergency response social worker necessary to determine whether or not an in-person investigation is appropriate.

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- | (9) "Emergency response referral" means a referral that alleges child abuse, neglect, or exploitation as defined by Penal Code Section 11165 et seq. and the Division 31 regulations. An emergency response referral does not include inappropriate inquiries such as those regarding aid payments, Medi-Cal cards, etc.
- | (10) "Emergency response services" means those services described in Welfare and Institutions Code Section 16501(f).
- | (11) "Emergency shelter care" means the provision of a protective environment for a child who must be immediately removed, pursuant to Welfare and Institutions Code Section 300, from his/her own home or current foster care placement, and who cannot be immediately returned to his/her own home or foster care placement.
- | (12) "Exemption" means the approval agency has determined that an individual who does not have a criminal records clearance pursuant to Health and Safety Code Section 1522(g) is qualified for the waiver of disqualification allowed under Welfare and Institutions Code Section 361.4(d)(2).
- | (13) "Exploitation" means forcing or coercing a child into performing functions which are beyond his/her capabilities or capacities, or into illegal or degrading acts. The term also includes sexual exploitation as defined by Penal Code Section 11165.1(c).
- (f) (1) "Family" means, for purposes of providing child welfare services, parents, adults fulfilling the parental role, guardians, children, and others related by ancestry or marriage.
- (2) "Family maintenance services" means those services described in Welfare and Institutions Code Section 16501(g).
- (3) "Family preservation worker" means a social worker who provides family preservation services as specified in Welfare and Institutions Code Section 16500.5.
- (4) "Family reunification services" means those services described in Welfare and Institutions Code Section 16501(h).
- (5) "Family Reunification Services Track" means the portion of the case plan that consists of services described in Welfare and Institutions Code Section 16501(h).
- (6) "Federal Bureau of Investigation (FBI) Clearance" means an individual has no felony or misdemeanor convictions, other than a minor traffic violation, reported by the FBI.

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (7) "Foster Care" means, for purposes of the Independent Living Program (ILP), 24 hour substitute care for children placed away from their parents or guardians and for whom the state or county agency has placement and care responsibility and who are likely to remain in foster care until age 18.
- (8) "Foster care" means the provision of 24-hour care and supervision to a child who has been placed by a child placing agency, including county child welfare services and probation departments, in one of the following types of foster homes:
  - (A) A licensed foster family home.
  - (B) A licensed small family home.
  - (C) A family home certified by a licensed foster family agency for its exclusive use.
  - (D) An approved foster family home.
  - (E) A licensed group home for children.
  - (F) A home, pursuant to a court order or voluntary placement agreement.
- (9) "Foster family agency" means any organization engaged in the recruiting, certifying, and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care who require that level of care as an alternative to a group home.
- (10) "Foster family home" means any residential facility providing 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian. A foster family home may also be authorized to provide care for more than six children for the purpose of keeping siblings together provided that the conditions of Health and Safety Code Section 1505.2 are met.
- (11) "Foster parent" means a person whose home is licensed or approved as a foster family home or licensed as a small family home or certified by a licensed foster family agency for 24-hour care of children, and a person who has the responsibility for the provision of foster care pursuant to a court order or voluntary placement agreement.

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- (g) (1) "Grievance" means an expression of dissatisfaction with a child-placing agency's procedures or actions, as such procedures or actions relate to the placement or care of a child in, or removal of a child from, a particular foster home.
- (A) "Grievance review agent" means the person or panel designated by the director of the child-placing agency to conduct the grievance review and render a recommended decision to the director of the agency.
- (B) "Party to grievance review" means a foster parent, legal parent, legal guardian, or child requesting the review; and the child-placing agency responsible for the action upon which the complaint is based.
- (2) "Group home" means a nondetention privately operated residential home of any capacity that provides services in a group setting to children in need of care and supervision, as required by Paragraph (1) of Subdivision (a) of Section 1502 of the Health and Safety Code.
- (3) "Guardian" means a person appointed by the superior court pursuant to the provisions of Probate Code Section 1514, or appointed by the juvenile court pursuant to the provisions of Welfare and Institutions Code Section 366.25 or .26.
- (h) Reserved
- (i) (1) "Independent Living Program (ILP)" as defined in Section 477 of the Social Security Act means the program administered by counties with oversight by the Department to provide services and activities as described by the childrens' Transitional Independent Living Plans (TILPs) to assist eligible children up to the day prior to their 21<sup>st</sup> birthday to prepare them to live independently upon leaving foster care.
- (A) Repealed by Manual Letter No. CWS-02-01, effective 7/1/02.
- (2) "Independent Living Program Coordinator" means the individual who is either an employee of the county or its designee/contractor and who is responsible for administering the ILP to all eligible youth.
- (3) "Indian" means a person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation as defined in 43 USC 1606.

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (A) "Indian child(ren)" means an unmarried person under 18 years of age who is a member of an Indian tribe, or who is eligible for tribal membership and is the biological child of a tribe member.
- (B) "Indian child's extended family" means "extended family" as defined by the law or custom of the Indian child's tribe; or, in the absence of such a law or custom, a person 18 years of age or over who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or stepparent.
- (C) "Indian child's parent" means a biological parent of an Indian child; or an Indian who has lawfully adopted an Indian child. Lawful adoptions include adoptions under tribal law or custom. The term does not include the unwed father when paternity has not been acknowledged or established.
- (D) "Indian child's tribe" means the Indian tribe in which an Indian child is a member or is eligible for membership; or, in the case of an Indian child who is a member of or is eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.
- (E) "Indian custodian" means an Indian who has legal custody of an Indian child under tribal law or custom, or under state law; or to whom temporary physical care, custody, and control has been transferred by the parent(s) of such Indian child.
- (F) "Indian organization" means a group, association, partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians.
- (G) "Indian tribal court" means a court, recognized by the Secretary of the Interior, with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses; a court established and operated under the code or custom of an Indian tribe; or any other administrative body of a tribe which is vested with jurisdiction over child custody proceedings.
- (H) "Indian tribe" means an Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska native village as defined in 43 USC 1602c.

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- (4) "Individualized Education Program (IEP)" means an individualized education program for children with identified special educational needs. The IEP is developed by an individualized education program team which consists of a representative other than the child's teacher designated by the school administration, the child's present teacher, or the teacher with the most recent and complete knowledge of the child who has also observed the child's educational performance, and one or both of the child's parents. The IEP includes the identification of educational needs, assessment, instructional planning, and placement.
- (5) "Infant" means a child under two years of age.
- (6) "Information" means enabling a person to have current, accurate knowledge regarding available public and private resources established to help relieve socio-health problems.
- (7) "Interagency Placement Committee" means a committee established by the county, with a membership that includes at least the county placement agency and a licensed mental health professional from the county department of mental health pursuant to Section 4096(c) of the Welfare and Institutions Code.
- (8) "Interstate Compact on the Placement of Children (ICPC)" means a legislatively ratified administrative process between member states to safeguard the interests of children who are placed in one state by an agency of another state.
  - (A) "Appropriate public authority" means the state's Interstate Compact Administrator.
  - (B) "Receiving agency" means a person or entity designated to receive any child from another party state.
  - (C) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- (j) Reserved
- (k) (1) "Kinship Adoption" means the adoption of a dependent child by a relative or a relative of the child's half-sibling as defined in Family Code Section 8714.5, which may be accompanied by a kinship adoption agreement.

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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(2) "Kinship Adoption Agreement" means a written agreement pursuant to Family Code Section 8714.7.

(l) (1) "Legally emancipated minor" means, for purposes of the Independent Living Program, children under the age of 18 years who have left foster care because they have reached emancipation by meeting any of the following:

(A) The person has entered into a valid marriage whether or not the marriage has been dissolved;

(B) The person is on active duty with the armed forces of the United States, or

(C) The person has received a declaration of emancipation pursuant to Family Code Section 7122.

(2) "Licensed Mental Health Professional" as defined in Section 1901(p) of the California Code of Regulations, Title 9, Chapter 11.

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California Code of Regulations, Title 9, Section 1901(p) states:

"'Licensed mental health professional' means any of the following:

"(1) A psychiatrist;

"(2) A clinical psychologist;

"(3) A licensed marriage, family and child counselor;

"(4) A licensed clinical social worker;

"(5) A licensed registered nurse with a masters or doctorate degree in psychiatric nursing."

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<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (3) "Licensing agency" means, for purposes of the Child Abuse and Neglect Reporting Act, the CDSS office responsible for the licensing and enforcement of the California Community Care Facilities Act, the California Child Day Care Act, or the county licensing agency which has contracted with the state for performance of those duties.
- (m) (1) "Mandated reporter" means a person who, pursuant to the Child Abuse and Neglect Reporting Act, is required to report knowledge or reasonable suspicion of child abuse which is obtained while acting in a professional capacity or within the scope of his/her employment. Such persons include child care custodians, health practitioners, employees of child protective agencies, child visitation monitors, and commercial film and photographic print processors, pursuant to Penal Code Sections 11165 through 11166.
- (2) "Minor" means a person under 18 years of age; or a person 18 years of age who is in a high school or vocational/technical program, provided that he/she will complete such program before he/she reaches 19 years of age.
- (3) "Minor parent" means anyone under the age of 18 years who is either pregnant or the custodial parent of a child and who has never been married.
- (4) "Minor Parent Services (MPS)" means home-based services provided to the minor parent and her/his child(ren), designed to support families and provide education to minor parents about issues such as infant health and development, nutrition, parenting skills, and life skills. Minor parent services shall include, but are not limited to, appropriate periodic in-home visits; on-going assessment of the infant and minor parent's circumstances and conditions; and referrals to appropriate community services to meet the specific safety needs of the minor parent and her/his child(ren).
- (5) "Multidisciplinary Personnel Teams," as defined in Welfare and Institutions Code Section 18951(d), means any team of three or more persons who are trained in the prevention, identification and treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse. The team may include, but shall not be limited to:
- (A) Psychiatrists, psychologists, county mental health, or other trained counseling personnel.
- (B) Police officers or other law enforcement agents including, but not limited to, county probation.

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (C) Medical personnel with sufficient training to provide health services.
  - (D) Social workers with experience or training in child abuse prevention.
  - (E) Any public or private school teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee.
- (n) (1) "Neglect" means the failure to provide a person with necessary care and protection. In the case of a child, the term refers to the failure of a parent(s)/guardian(s) or caretaker(s) to provide the care and protection necessary for the child's healthy growth and development. Neglect occurs when children are physically or psychologically endangered. The term includes both severe and general neglect as defined by Penal Code Section 11165.2 and medically neglected infants as described in 45 Code of Federal Regulations (CFR) Part 1340.15(b).
- (2) "Non-custodial Parent" means the parent of a child removed from home pursuant to Welfare and Institutions Code Section 361, with whom the minor was not residing at the time that the events or conditions arose that brought the minor within the provisions of Welfare and Institutions Code Section 300, who desires to assume custody of the minor.
- (3) "Nonrelative extended family member" means any adult caregiver who has an established familial or mentoring relationship with the child as substantiated by interviews with the parent and child or with one or more third parties as required in Welfare and Institutions Code Section 362.7.
- (o) (1) "Out-of-home care provider" means a person or entity who provides foster care.
- (p) (1) "Parent" means the natural or adoptive father or mother, whether married or unmarried; or other adult fulfilling the parental role.
- (2) "Parenting training" means child development, home management and consumer education provided through social services and/or specialized formal instruction and practice in parenting skill achievement in accordance with Welfare and Institutions Code Section 16507.7.
- (3) "Permanency Alternative" means the type of permanency, i.e., adoption, guardianship, and long-term foster care, or a plan for transitional independent living pursuant to Section 31-525, selected for the child if family reunification fails.

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (4) "Permanency Planning Family" means the home of a relative, a licensed foster family home as defined in Health and Safety Code Section 1502(a)(5), or a certified family home as defined in Health and Safety Code Section 1506(d) willing to assist in implementation of the child's case plan by facilitating family reunification while being prepared to provide the child with legal permanence should family reunification fail.
- (5) "Permanent placement services" means those services described in Welfare and Institutions Code Section 16501(i).
- (6) "Planning" means activity in which county staff and the child and/or his/her family mutually identify a specific goal, the specific services to be used in resolving identified problems, and service delivery methods.
- (7) "Preferential Consideration" means that relatives seeking placement for a child or relatives identified by the social worker as willing to care for a child shall be the first to be considered and investigated in determining the placement. Only the following relatives shall be given preferential consideration for placement of the child: a non-custodial parent as defined in Section 31-002(n)(2), or an adult who is a grandparent, aunt, uncle, or sibling of the child.
- (8) "Preplacement preventive services" means those services designed to help children remain with their families by preventing or eliminating the need for removing the child from the home. Preplacement preventive services are emergency response services and family maintenance services.
- (9) "Primary Caregiver" means the nurturing adult who is assigned to specific children under the age of six for the duration of their stay in a county operated emergency shelter care facility. The Primary Caregiver provides the major portion of daily care as described in Section 31-002(p)(8) during normal working hours for their assigned children and who is not assigned more than three children at any time.
- (10) "Primary Caregiver Duties" shall be to meet the needs of the child in the following areas: physical health and well-being, self-care, motor skills, social skills, emotional development, cognition, language and communication, and other child care worker duties as defined in Title 22, Section 84065.2(b).
- (q) Reserved

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (r) (1) "Recruitment" means activity to find and develop resources which are necessary but do not exist, or which exist but must be expanded.
- (2) "Referral to community agency" means informing another service agency that a child and/or that child's family desires or requires that agency's services; and assisting the child and/or family to avail themselves of such services.
- (3) "Relinquishment of a Child" means the action of a relinquishing parent who signs a relinquishment document in which he or she surrenders custody, control and any responsibility for the care and support of the child to the Department or any licensed public or private adoption agency pursuant to Family Code Section 8700.
- (4) "Representative" means a person authorized by a party to a grievance review, or by specified administrative review hearing participants, to act for and represent that party or participant in any and all aspects of a grievance procedure or administrative review hearing.
- (5) "Relative" means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including step-parents, step-siblings, and all relatives whose status is preceded by the words "step", "great", "great-great", or "grand", or the spouse of any of these persons, even if the marriage was terminated by death or dissolution. For the purposes of preferential consideration for placement of a child, "relative" means an adult who is a grandparent, aunt, uncle, or sibling of the child.
- (6) "Respite care" means the provision of prearranged child care when a parent(s)/guardian(s) or foster parent(s) is absent or incapacitated, and a determination has been made that temporary in-home or out-of-home care is in the child's best interest. Respite care services are offered as part of a case plan to allow a temporary respite of parental duties, so that a parent(s)/guardian(s) or foster parent(s) is able to fulfill other responsibilities necessary to improve or maintain the parenting function. Respite care services do not exceed 72 hours per session. These services are not provided for the purpose of routine, on-going child day care.
- (s) (1) "Safety plan" means a plan for providing services to promote the health and safety of the children in a family. The safety plan shall specify the number and frequency of in-home visits required.
- (2) "Senior parent" means the adult parent of a minor parent.
- (3) "Seriously emotionally disturbed" means those children described in Welfare and Institutions Code Section 5600.3(a)(2).

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(A) Welfare and Institutions Code Section 5600.3(a)(2) states:

"For the purposes of this part, 'seriously emotionally disturbed children or adolescents' means minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child's age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

"(A) As a result of the mental disorder the child has substantial impairment in at least two of the following areas: self-care, school functioning, family relationships, or ability to function in the community; and either of the following occur:

"(i) The child is at risk of removal from home or has already been removed from the home.

"(ii) The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

"(B) The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

"(C) The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code."

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- (4) "Service funded activity" means activities which are provided as determined by each county based upon the individual child and family needs as identified in the case plan and includes, but is not limited to, those activities specified in Welfare and Institutions Code Section 16501(a)(1).

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (5) "Small family home" means any residential facility, in the licensee's family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities. A small family home may accept children with special health care needs pursuant to Subdivision (a) of Section 17710 of the Welfare and Institutions Code. In addition to placing children with special health care needs, the Department may approve placement of children without special health care needs, up to the licensed capacity.
- (6) "Social services" or "services" means the composite of service programs funded under the Social Security Act Titles IV-B and IV-E, and Title XX (as described in the child welfare services component of the California Department of Social Services publication "Title XX Block Grant Preexpenditure Report"), and any other applicable funding sources.
- (7) "State agency" means the California Department of Social Services (CDSS).
- (8) "Substance abuse testing" means the process of chemical analysis to determine if certain drugs, including alcohol, or controlled substances are present, indicating that a person has used or has in his/her system, a specified drug or substance.
- (9) "Substantial Distance from Home" means an out-of-home placement which is farther than an adjacent, "contiguous county" from the residence of the parents or guardian.

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (t) (1) "Teaching and demonstrating homemaker" means a person who provides homemaking instruction, through discussion and example, to parent(s)/guardian(s), or other adult(s) fulfilling the parental role, and/or families when parent/guardian functioning can be improved by teaching more effective child care skills and home maintenance. Although this instruction does not include the routine provision of regular homemaker services, teaching and demonstrating homemakers may provide direct child care and home maintenance services incidental to the primary goal of improving parent functioning through demonstrating and teaching the skills required to successfully manage and maintain the home and meet the needs of children in that setting. This instruction is available on a 24-hour basis as resources permit. It does not necessarily have to be provided during the presence of the parent(s)/guardian(s) in the home.
- (2) "Temporary in-home caretaker" means a person who provides temporary care to a child in the child's own home in lieu of out-of-home placement when a parent(s)/guardian(s) is unable to care for the child because of an absence or illness and there is no other caretaker available to provide necessary care. Temporary in-home caretakers do not provide routine, on-going child day care.
- (3) "Therapeutic day services" means nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to children who would otherwise be placed in foster care or who are returning home from foster care.
- (4) "Transitional Independent Living Plan (TILP) for the purposes of the Independent Living Program" means the written service delivery plan, available on the Child Welfare Services/Case Management Services (CWS/CMS) that identifies the youth's current level of functioning, emancipation goals and the specific skills needed to prepare the youth to live independently upon leaving foster care. The plan is mutually agreed upon by the youth and the social worker/probation officer.
- (5) "Transitional independent living plan" means the portion of the child's case plan that describes the programs and services, including employment and savings, as appropriate, based on an assessment of the individual child's skills and abilities, that will help the child prepare for transition from foster care to independent living.
- (6) "Transportation" means conveying a child and/or the child's family from one place to another when mobility is necessary to support a specific case plan, and no other means of conveyance is available.

<b>31-002</b>	<b>DEFINITIONS (Continued)</b>	<b>31-002</b>
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- (u) (1) "Unfounded report" means a report of child abuse, which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse, as defined in Penal Code Section 11165.6.
- (v) (1) "Visit" means a face-to-face contact between:
  - (A) A social worker or other person authorized by the Division 31 regulations to make visits with the child, the child's family, and/or the out-of-home care provider; or
  - (B) A child and his/her parent(s)/guardian(s), siblings, grandparents, or others deemed appropriate by the county or juvenile court.
- (2) "Voluntary placement" means a placement described by Welfare and Institutions Code Section 11400(n).
- (3) "Voluntary placement agreement" means the agreement described by Welfare and Institutions Code Section 11400(o).
- (w) Reserved
- (x) Reserved
- (y) (1) "Youth" means, for the purposes of the ILP, children who are at least 16 years of age up to the day prior to their 21<sup>st</sup> birthday.
- (z) Reserved

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 300, 300(c), 300(e), 306(b), 309(d) 319, 319(f), 727, 11402, and 16507.5(b) (as amended by AB 1695, Chapter 653, Statutes of 2001), 361, 361.2, 361.2(h), 361.3, 361.3(a)(8), 361.4(a)(3)(A), (b), and (c), 362.7, 366.22, 366.3(e)(4) and (e)(8), 391, 636.1(c), 706.6(o), 727, 727.2, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 10554, 11100, 11105, 11108.15, 11155.5, 11400(a), 11402, 11404, 11467.1, 16001.5, 16001.9, 16010, 16012, and 16501, 16501(a)(3), 16501.1(e)(9), 16501.1(f)(7), 16503, 16504, 16506, 16506(c), 16507.5(b), 16516.5, 16520, 16521, 17736, and 18951(d), Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 U.S.C. Section 675; Sections 1502, 1502(a)(8), 1505.2 (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), 1522, 1522.06, and 1530.8, Health and Safety Code; 45 CFR 233.120; 42 U.S.C. 675(5); Sections 7002, 7901, 7911, 7911.1, and 7912, Family Code; and Public Law 105-89 (Adoption and Safe Families Act of 1977).



<b>31-005</b>	<b>CHILD WELFARE SERVICES PROGRAM SUPPORT ACTIVITIES</b>	<b>31-005</b>
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- .1 The county shall perform the following program support activities:
  - .11 Establish an effective system of preplacement preventive services for children through liaison with the courts, and with probation, law enforcement, and other public and private agencies.
    - .111 Such system shall provide for cooperative working arrangements with other county and community agencies for receiving appropriate referrals, and for developing remedial resources for the protection of children.
  - .12 Actively recruit competent placement providers and facilities that will aid in the attainment of the goals in the children's case plans and meet the varied needs of children for such care.
  - .13 Ensure that county staff are aware of the policies and programs that are available through placement facilities to ensure their effective use.
  - .14 Encourage community planning to meet children's needs by performance of the following activities:
    - .141 Delineation of such needs.
    - .142 Encouragement and assistance in developing and expanding the following in the community:
      - (a) Services which improve parent/guardian effectiveness, and which reduce the need for out-of-home care.
      - (b) Facilities which can provide care, supervision, and services to children.
      - (c) Services and activities which are beneficial to children.
      - (d) Services and activities which promote permanency alternatives for children in out-of-home care if efforts to reunify fail.
  - .15 Establish working relationships with the court which provide for methods of delineating the county's responsibility for the following:
    - .151 Maintenance of the confidentiality of public assistance and social service records of the parent(s)/guardian(s) and children during the necessary provision of information, evaluations, and recommendations for the court's use in determining its actions.

<b>31-005</b>	<b>CHILD WELFARE SERVICES PROGRAM SUPPORT ACTIVITIES</b>	<b>31-005</b>
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(Continued)

- .152 Enforcement of court orders.
- .153 Reporting of developments to the court.
- .16 Utilize volunteers as specified in Section 31-305.
- .17 Contact each health care facility in the county that provides acute care to infants to obtain the name, title and telephone number of the person who is designated by the health care facility to act as a liaison to the county for medically neglected infants as defined in Section 31-002(n)(1).
  - .171 The county shall, no less than once a year, recontact each health care facility in the county that provides acute care to infants to obtain any changes in the name, title and telephone number of the designated person.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 827, 10850, 16500, and 16501.1(f)(9) (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), Welfare and Institutions Code and 45 CFR 1340.15(c)(2)(ii).

<b>31-010</b>	<b>ADMINISTRATIVE REQUIREMENTS FOR EMERGENCY RESPONSE SERVICES</b>	<b>31-010</b>
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- .1 The county shall be permitted to establish an emergency response services unit in cooperation with neighboring counties, provided that the requirements specified in Welfare and Institutions Code Section 16502 have been met.

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- .11 Welfare and Institutions Code Section 16502 specifies as follows:

Child welfare services... shall be established in any county or combination of counties when a plan which includes financing of such services has been certified by the department.

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<b>31-010</b>	<b>ADMINISTRATIVE REQUIREMENTS FOR EMERGENCY RESPONSE SERVICES (Continued)</b>	<b>31-010</b>
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- .2 No application or inquiry into income or status shall be made for the purpose of determining eligibility for emergency response services.
- .3 The county shall maintain statistics on every emergency response services request or referral received.
  - .31 Such data shall be summarized and reported to the department on the preplacement preventive services report form.
- .4 The county shall retain completed emergency response protocol forms at a minimum of three years in accordance with Manual of Policies and Procedures Section 23-353.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10852, 10853, 16500, 16501, and 16502, Welfare and Institutions Code.

<b>31-015</b>	<b>TELEPHONE ACCESS FOR EMERGENCY RESPONSE SERVICES</b>	<b>31-015</b>
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- .1 Emergency response services shall include free public telephone access to emergency response staff at any time.
  - .11 The county shall arrange for toll-free long distance calls, or shall accept collect calls.
  - .12 The county shall be permitted to provide telephone answering services through community agencies, except that such services shall not be provided through law enforcement or probation agencies.
    - .121 Such agencies shall provide for immediate transfer to the county of any call alleging or pertaining to child abuse, neglect, or exploitation.
  - .13 A "911" telephone number shall not be the sole access to emergency response services unless the agency answering the telephone transfers all requests and referrals regarding child welfare services to the county.

<b>31-015</b>	<b>TELEPHONE ACCESS FOR EMERGENCY RESPONSE SERVICES</b>	<b>31-015</b>
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(Continued)

- .14 All calls shall be referred to an emergency response social worker unless the person answering the telephone is trained in screening incoming calls regarding child welfare services.
- .2 The emergency response telephone number shall be publicized by all of the following means:
  - .21 Telephone book and community resources directory listings.
    - .211 The county shall request that the emergency response telephone number be listed in the crisis line section or emergency pages of the local telephone directory.
  - .22 Distribution to schools, physicians, hospitals, and other entities likely to observe abused, neglected, and exploited children.
  - .23 Ongoing public awareness activities which encourage self-referrals.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16504, Welfare and Institutions Code.

<b>31-020</b>	<b>GRIEVANCE PROCEDURES</b>	<b>31-020</b>
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- .1 Grievance procedures shall be developed to review complaints from foster parents, legal parents, guardians, and children concerning the placement or removal of a child from a foster home. All issues shall be resolved in the best interest of the child.
- .2 Grievance reviews shall not be granted for the following issues:
  - .21 Removal of a child under any of the circumstances specified in Sections 31-440.21 through .25.
  - .22 Removal of a child or modification of services resulting from an administrative review panel determination.
  - .23 Removal of a child for direct placement into an adoptive home.
  - .24 Any complaint regarding only the validity of a law or of a statewide regulation.

<b>31-020</b>	<b>GRIEVANCE PROCEDURES</b>	<b>31-020</b>
	(Continued)	

- .25 Any complaint regarding an issue for which a state hearing is available as specified in Welfare and Institutions Code Sections 10950 through 10965.
- .3 Review request procedures shall include the following:
  - .31 The county shall explain the right to a review, and shall provide a copy of the grievance procedure regulations to the following parties:
    - .311 A legal parent/guardian at the time the child is placed.
    - .312 A foster parent at the time of licensing.
    - .313 Any complainant at the time a complaint is filed.
  - .32 A review request shall be filed in the form of a written statement signed by the complainant.
  - .33 The review request shall set forth the facts which the interested person believes provide a basis for reversal of the county action.
  - .34 The complainant shall file the review request within ten calendar days after becoming aware of the action under complaint.
    - .341 In cases of removal not exempted from review as specified in Sections 31-020.21 through .25 and in Sections 31-440.21 through .25, the complainant shall submit the review request to the county not less than two calendar days prior to the intended date of removal.
  - .35 The county shall assist in preparation of the complaint if assistance is requested or necessary.
- .4 The review shall be held within ten working days from the date the written complaint is received by the agency.
  - .41 Notice of the date, time and place for the review shall be received by all parties not less than five calendar days prior to the hearing.

<b>31-020</b>	<b>GRIEVANCE PROCEDURES</b>	<b>31-020</b>
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(Continued)

- .5 The review shall be conducted as follows:
- .51 The review agent shall be:
- .511 A staff or other person not involved in the complaint.
- .512 Neither a co-worker nor a person directly in the chain of supervision of any of the persons involved in the complaint unless the agent is the director or chief deputy of the county.
- .513 Knowledgeable of the field and capable of objectively reviewing the complaint.
- .52 The review agent shall, to the extent possible, conduct all reviews in a nonadversarial atmosphere.
- .53 All parties and representatives shall be permitted to examine all documents and physical evidence introduced by parties to the hearing.
- .54 The parties and their representatives, and witnesses while testifying, shall be the only authorized persons present during the review unless all parties and the review agent consent to the presence of other persons.
- .55 All testimony shall be given under oath or affirmation.
- .56 The review agent shall have the authority to continue to review for a period not to exceed ten calendar days if additional evidence or witnesses are necessary for determination of the issue.
- .6 Review decisions shall be rendered as follows:
- .61 The review agent shall render a written recommended decision, and the county director shall issue a final written decision, within five calendar days after review completion.
- .62 The decision shall be based upon the evidence presented at the hearing.

<b>31-020</b>	<b>GRIEVANCE PROCEDURES</b>	<b>31-020</b>
	(Continued)	

- .63 The county director's decision shall contain a summary statement of the facts, the issues involved, findings, and the basis for the decision.
- .64 A copy of the decision shall be sent to the following:
  - .641 Each party to the review.
  - .642 Every representative of each party.
  - .643 The California Department of Social Services.
- .7 Unless the child is in immediate danger, he/she shall remain with the foster parent(s), pending decision of the county director, when removal is the basis for a complaint.
- .8 The review record shall be retained for one year from the decision date, and shall include all documents, copies of documents, and physical evidence accepted as review evidence.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

<b>31-025</b>	<b>ADMINISTRATIVE REVIEWS</b>	<b>31-025</b>
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- .1 Administrative reviews shall be conducted as specified in Welfare and Institutions Code Sections 366.3, 16503, and 16507.3; and 42 USC 675(6).

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- .11 These statutes identify the children in foster care placement who are to receive administrative reviews and specifies that each child's status is to be reviewed periodically, but no less frequently than once every six months.

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- .2 Administrative reviews shall not be required for children for whom a legal guardian has been appointed as a permanent plan unless the child has been removed from the guardian pursuant to Welfare and Institutions Code Section 300.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 366.3, 16503, and 16507.3, Welfare and Institutions Code and 42 USC Section 675(6).



<b>31-030</b>	<b>PURPOSE OF REVIEWS</b>	<b>31-030</b>
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- .1 The administrative review panels shall make determinations as specified in Welfare and Institutions Code Section 16503 and 42 USC 675(5).

NOTE: Authority Cited: Sections 10533 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code and 42 USC 675(5).

<b>31-035</b>	<b>COUNTY RESPONSIBILITIES</b>	<b>31-035</b>
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- .1 Each administrative review panel shall include three or more members as follows:
- .11 At least one member shall be outside the direct line of supervision of the case under review.
- .111 Such member shall not be the worker, his/her supervisor, or persons at other levels of supervision or administration who could directly influence the placement of the child.
- .2 Hearing procedures shall be established to address the objectives specified in Welfare and Institutions Code Section 16503.
- .3 The county shall develop, maintain, and implement a written administrative review plan.
- .31 The plan shall include the following:
- .311 The number and size of review panels established as specified in Sections 31-035.1 through .111.
- .312 A summary of the training to be provided to review panels.
- .313 Procedures for notification of participating parties, as specified in Sections 31-045.1 and .2.
- .314 Procedures for conduct of hearings, as specified in Sections 31-050.1 and .2.

<b>31-035</b>	<b>COUNTY RESPONSIBILITIES</b>	<b>31-035</b>
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(Continued)

- .315 Standards and procedures under which hearings will be scheduled, postponed, or continued, as specified in Sections 31-050.3 through .33.
- .4 Prior to implementing the administrative review plan the county shall submit to the Department written certification that their plan meets all requirements specified in Sections 31-035.3 through .315.
- .5 If the plan is modified, the county shall recertify to the CDSS that the county's plan continues to meet all the requirements.
  - .51 The county shall document and maintain records of all modifications to the administrative review plan.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

<b>31-040</b>	<b>PARTICIPANTS IN THE REVIEW</b>	<b>31-040</b>
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- .1 The following parties to the case under review shall be allowed to participate in the administrative review hearing:
  - .11 The parent(s)/guardian(s) from whom the child has been removed, provided that such person'(s) parental rights have not been voluntarily relinquished, or terminated by court action.
  - .12 Any other relative of the child who has been significantly involved in his/her care.
  - .13 The child, if 10 years of age or older.
  - .14 The current foster care provider(s).
  - .15 The social worker(s) responsible for the case management or service delivery of the child or parent(s)/guardian(s).

<b>31-040</b>	<b>PARTICIPANTS IN THE REVIEW</b>	<b>31-040</b>
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(Continued)

.16 The representative(s), as defined in Section 31-002(r)(3).

.161 Such representative(s) shall be allowed to attend the review in the party's place or company.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

<b>31-045</b>	<b>NOTIFICATION REGARDING THE REVIEW</b>	<b>31-045</b>
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.1 At the time of initial placement in foster care, the requirements specified in Section 31-401.2 shall be met.

.2 At least 15 calendar days prior to a scheduled administrative review hearing, the agency shall provide written notice of the hearing to the parties specified in Sections 31-040.11, .13, .14, and .16.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

<b>31-050</b>	<b>CONDUCT OF THE REVIEW HEARING</b>	<b>31-050</b>
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.1 The services social worker or other qualified person familiar with the case shall present the case plan and any additional information to the administrative review panel in the detail necessary to enable panel members to meet the objectives specified in Welfare and Institutions Code Section 16503.

.2 The review panel shall allow comments by all hearing participants.

.3 Hearings shall be postponed or continued only at the request of the child, or of the parent(s)/guardian(s); or if the review panel determines that additional time is necessary to obtain or evaluate information necessary to make an appropriate case-related decision.

<b>31-050</b>	<b>CONDUCT OF THE REVIEW HEARING</b>	<b>31-050</b>
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(Continued)

- .31 No delay shall be allowed unless it is in the best interest of the child.
- .32 The delay shall not exceed ten working days.
- .33 No more than one postponement or continuance shall be granted for each six-month review period.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501.1 and 16503, Welfare and Institutions Code.

<b>31-055</b>	<b>AUTHORITY OF THE REVIEW PANEL</b>	<b>31-055</b>
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- .1 The panel shall have the authority to modify the placement, the permanent placement plan, and the county's current individual case plan goals and services, consistent with the determinations specified in Welfare and Institutions Code Section 16503.
  - .11 If the panel determined that a necessary change in the permanent placement plan, or in individual case plan goals and services, requires modification or termination of an existing court order, the panel shall direct the county to petition the court for the recommended change.
    - .111 The county shall continue to provide services pursuant to the requirements of the court order pending court consideration of recommended changes.
    - .112 If the court does not modify the court order as recommended by the review panel, the county shall notify the panel and shall continue to provide services consistent with the court order.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

<b>31-060</b>	<b>REPORTS FROM THE REVIEW PANEL</b>	<b>31-060</b>
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- .1 The administrative review panel shall complete or direct the completion of a written report including, but not limited to the following information:
  - .11 The panel shall be permitted to use a copy of the case plan to fully or partially comply with the requirement specified in Section 31-060.1, provided that the requirements specified in Sections 31-060.2 and .3 are met.
- .2 The report shall include determinations as specified in Welfare and Institutions Code Section 16503 and 42 USC 675(5).
- .3 Each report shall be completed within 15 calendar days of the hearing.
- .4 The report shall be signed by the chairperson of the review panel.
- .5 The county shall, within 15 calendar days following the hearing, distribute copies of the administrative review panel recommendations to:
  - .51 The child, if 10 years of age or older.
  - .52 The parent(s)/guardian(s) of the child; and his/her representative(s), as defined in Section 31-002(r)(3).
  - .53 The child's case record.
  - .54 The juvenile court, except for voluntary cases.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code and 42 USC 675(5).

<b>31-065</b>	<b>SPECIAL PROVISIONS</b>	<b>31-065</b>
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- .1 The regulations in this chapter shall not be interpreted as interfering with the right of hearing participants to petition the court as otherwise specified in law.
- .2 In all activities connected with the administrative review, confidentiality of information shall be assured as specified in Manual of Policies and Procedures Division 19-000.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

**31-066      MULTIDISCIPLINARY TEAM ASSESSMENT AND RECOMMENDATION      31-066**  
**FOR PLACEMENT IN AN OUT-OF-STATE GROUP HOME**

- .1 A multidisciplinary team assessment and placement recommendation shall be required prior to placing a child in an out-of-state group home facility as specified in Family Code Sections 7911 and 7911.1.
- .2 For out-of-state group home placement purposes a "Multidisciplinary Team" means a team composed of county social services, county mental health, county probation, county superintendents of schools, and other members as determined by the county. With the addition of a county superintendent of schools member, a county's Interagency Placement Committee, as defined in Welfare and Institutions Code Section 4096, may also act as a county Multidisciplinary Team.
- .3 Family Code Sections 7911 and 7911.1 provide, in part, that for each county social service agency or probation department child residing in an out-of-state group home on August 17, 1998, an assessment and placement recommendation shall be required from a multidisciplinary team by February 18, 1999.
  - .31 These statutes provide, in part, that for each child placed in a group home out-of-state on or after August 18, 1998 and prior to March 1, 1999, the county social service agency or probation department has six months from the date of placement, to obtain an assessment and placement recommendation from a county multidisciplinary team in order to continue that out-of-state group home placement.
  - .32 On or after March 1, 1999, a county shall be required to obtain an assessment and placement recommendation by a county multidisciplinary team prior to placement of a child in an out-of-state group home facility. The multidisciplinary team recommendation shall be presented to the court.
- .4 In assessing a child's need for an out-of-state placement, the multidisciplinary team shall consider, but is not limited to, a review of the current circumstances precipitating the request for an out-of-state placement, including a review of the reasonable efforts/services provided prior to the placement of the child in foster care or to make it possible for the child to return home, the services provided to prevent an out-of-home placement, the current location of the child and length of time there, situation and location of parents/siblings, descriptions of out-of-state placement resource(s) or type of placement resource being sought, the child's attitude toward placement, and the parents' attitude towards placement.
  - .41 An assessment of the child shall include a physical description; a current evaluation of behavioral, emotional, and social skills; relationships/interactions with parents, caregivers, and peers; health (diagnosis, treatment, and prognosis); education (grades, achievements, and classroom behavior); placement history (why in-state services or facilities were not adequate); and special needs, if any.
  - .42 History of family including current functioning (education, employment, social and health). Current and anticipated involvement with child.

<b>31-066</b>	<b>MULTIDISCIPLINARY TEAM ASSESSMENT AND RECOMMENDATION FOR PLACEMENT IN AN OUT-OF-STATE GROUP HOME (Continued)</b>	<b>31-066</b>
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- .43 Permanent plan for the child. Documentation of other options available for the child's (reunification, adoption, guardianship or preparation for independent living), anticipated duration of the proposed placement, and relationship of proposed placement to the permanent plan.

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- .431 MPP Section 31-002(a)(5) defines "assessment" as a written document which contains information relevant to the case situation and an appraisal of case services needs.

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- .5 The multidisciplinary team shall make a decision as to whether out-of-state placement is in the child's best interest or not. The team shall rule out in-state placement options before recommending an out-of-state placement. This shall be documented in the case plan.

- .51 Documentation shall include, but shall not be limited to:

- .511 Which in-state programs were identified that offer services necessary to meet the child's needs including, but not limited to:

- (a) The activities that were undertaken by the multidisciplinary team to determine whether in-state programs offer services necessary to meet the child's needs, including, but not limited to, communication with in-state group home programs, other county probation offices, county welfare departments, regional placement review committees, and the CDSS Out-of-State Placement Policy Unit.

- .512 If in-state programs offer services necessary to meet the child's needs, identify those programs, and the activities undertaken by the multidisciplinary team to determine whether those programs can accept the child into placement.

- .513 The multidisciplinary team shall determine whether a delay in placement to accommodate an in-state program exists, because the in-state placement does not have available space, at the time of the contact, to accept the child into placement, when such space in that program may become available, and whether postponing placement in an out-of-state placement until such space becomes available is feasible and is in the best interest of the child.

<b>31-066</b>	<b>MULTIDISCIPLINARY TEAM ASSESSMENT AND RECOMMENDATION FOR PLACEMENT IN AN OUT-OF-STATE GROUP HOME (Continued)</b>	<b>31-066</b>
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- .514 For the purpose of this section, a county's Interagency Placement Committee, as established pursuant to MPP Section 11-402.182, may perform this assessment and placement recommendation as long as the members of this team have met the definition of a "Multidisciplinary Team" found in MPP Section 31-066.2.

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- .6 Recommendations shall be submitted, in writing, to the court and shall document why the out-of-state placement is the most appropriate placement selection and in the best interest of the child. Documentation shall include, but is not limited to, the case plan, mental health assessment, descriptions of services the group home shall provide and other relevant information used to make the placement recommendations.

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- .61 Family Code Sections 7900 et seq., the Interstate Compact on Placement of Children (ICPC), applies, but is not limited to, whenever a California court or county social service/probation department wishes to place a child out-of-state. The CDSS Compact Administrator is responsible for the activities under the ICPC and shall carry out the terms and provisions of the ICPC.

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NOTE: Authority Cited: Sections 10553, 10554, and 16501.1, Welfare and Institutions Code. Reference: Sections 7901, 7911, 7911.1, and 7912, Family Code and Sections 361.21, 727.1, and 16516.5, Welfare and Institutions Code.

<b>31-070</b>	<b>STAFF REQUIREMENTS</b>	<b>31-070</b>
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- .1 County staff who provide emergency response and family maintenance services shall meet the following qualifications:
- .11 At least 50 percent of the professional staff providing emergency response services, and at least 50 percent of the professional staff providing family maintenance services, shall possess a master's degree in social work, or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.
- .12 One hundred (100) percent of the supervisors of staff providing emergency response and family maintenance services shall possess a master's degree in social work, or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.



<b>31-070</b>	<b>STAFF REQUIREMENTS</b>	<b>31-070</b>
	(Continued)	

- .13 Remaining emergency response and family maintenance services professional staff shall possess a bachelor's degree in social work or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.
- .14 Bilingual staff shall be available as specified in Manual of Policies and Procedures Chapter 21-100.
- .2 At the beginning of the calendar year, the county shall determine if it meets the requirements specified in Sections 31-070.11, .12, and .13, unless the county has an approved plan pursuant to Section 31-070.21.
  - .21 If the county is unable to meet the requirements specified in Sections 31-070.11, .12, and .13, the county shall:
    - .211 Document the reason(s) for such inability in a written statement to the Department.
    - .212 Submit to the Department for approval a plan specifying the means by which the county plans to meet the requirements of Sections 31-070.11, .12, and .13, and the time frame by which the county expects to obtain compliance.
      - (a) Upon plan approval, the Department shall have the authority to defer the requirements specified in Sections 31-070.11, .12, .13, and .2 for a period up to three years.
  - .22 At the end of the time frame specified in the county's plan, but no more than three years from the date the county submits its plan to the Department, the county shall notify the Department, in writing, of its progress in obtaining compliance.
    - .221 If the county has failed to obtain compliance, the county shall follow the procedures in Section 31-070.21.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501(c) and (e), Welfare and Institutions Code and 45 CFR 1356.21(d).

<b>31-075</b>	<b>CASE RECORDS</b>	<b>31-075</b>
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- .1 The county shall develop and maintain a current case record for each request or referral that requires child welfare services beyond the emergency response protocol specified in Section 31-105.
- .2 Case records shall be retained at a minimum of three years in accordance with Manual of Policies and Procedures Section 23-353.

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- .21 The Department requires case records to be retained more than three years in certain circumstances such as, court orders, audits and/or federal mandates.

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- .3 Each case record shall contain at least the following information:
  - (a) A face sheet with identification information regarding the child; family; and placement services provider, if any.
  - (b) Documentation of all contacts with the child, family, or other individuals regarding the child or family.
  - (c) Documentation of reasons why a child in out-of-home placement is not placed with sibling(s) and diligent efforts to overcome barriers of placing the siblings together.
    - (1) Documentation of the appropriateness of sibling contact, including unsupervised contact, diligent efforts to overcome barriers of visitation between siblings not placed together, and, if appropriate, a schedule of planned sibling contacts and visits with the child.
  - (d) Documentation of the justification for any exceptions allowed regarding contacts or visits pursuant to Sections 31-320 and 31-325.
  - (e) A copy of the executed Judicial Council waiver of services form if the parent of the child has advised the court that he or she is not interested in receiving family maintenance or family reunification services.

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- (1) The Judicial Council is required to develop the waiver form pursuant to Welfare and Institutions Code Section 361.5(b)(13).

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- (f) Documentation of the results of the court's inquiry into the identification of all presumed or alleged fathers of the child, if applicable.
- (g) Documentation of the parent's information in response to the court order pursuant to Welfare and Institutions Code Section 361.3(a) to identify any maternal or paternal relatives of the child, and the social worker's attempts to locate and contact the relatives given consideration for placement.
- (h) All assessments, case plans, and case plan updates.
- (1) Documentation of the date a copy of the case plan/case plan update was provided to the parent(s)/guardian(s).
- (2) Assessments include written assessments of relatives as required by Welfare and Institutions Code Sections 309 and 361.3.
- (i) Documentation of the search for and consideration of relatives for placement and the reasons for the agency's decision to place or not to place the child with each identified relative, as specified in Welfare and Institutions Code Section 361.3.
- (j) Any data or documents, relating to the child or family, which have been received or sent by the county.
- (k) Any documents that support how the case is reported pursuant to Sections 31-082 through 31-090.

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<b>31-075</b>	<b>CASE RECORDS</b>	<b>31-075</b>
	(Continued)	

- (l) For children in out-of-home care, all available health and education reports regarding the child, including, but not limited to, dated documentation of the following:
  - (1) Provision of informational materials regarding the CHDP Program, as specified in Section 40-107.6, and the acceptance or refusal of the CHDP services.
  - (2) Offering of medical/dental transportation and scheduling assistance.
- (m) Any written modifications or prohibitions to the foster parent'(s) privilege to give legal consent for the child, if applicable.
- (n) Any written parent/guardian consents required by the Division 31 regulations.
- (o) For children with histories of juvenile court involvement as actual or potential dependents, any documents submitted to or received from the court, including petitions and court reports.
- (p) For children who have been assessed as being seriously emotionally disturbed, the individualized education program designed for the child, if available.
- (q) Any information release(s) signed by the parent(s)/guardian(s) and/or child.
- (r) Any administrative review report recommendations.
- | (s) When appropriate, the following forms or equivalent documentation, which have been approved by the Department:
  - (1) Court order to county to detain and/or to place child.
  - (2) Foster Child's Data Record (FCIS).
  - (3) Placement Agreement, Child/Agency.
  - (4) Placement Agreement, Parent/Agency.

31-075	<b>CASE RECORDS</b> (Continued)	31-075
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- (5) Agency/Emergency Shelter Care Provider Agreement.
  - (6) Court order to county relating to the provision of child welfare services to the child and/or family.
  - (7) Agency-Foster Parent Agreement.
  - (8) Agency-Group Home Agreement.
  - (9) Documentation that the foster family home of a relative or nonrelative extended family member meets the approval standards, including documentation of a caregiver assessment, health and safety inspection of the home and all required criminal records clearances.
- (t) Documentation of the reason(s) for the following, when applicable:
- (1) The child's transfer to another placement location.
  - (2) The child's out-of-county or out-of-state placement.
  - (3) The child's placement in a group home, including the following:
    - (A) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
    - (B) A description of the types and modalities of treatment program(s) offered and delivered to the child.
- (u) Documentation of any information provided to the placement services provider and/or respite care provider regarding the child's known or suspected dangerous behavior.
- (v) Documentation of the review and the results of the child's potential for adoption, which shall specify why a child who is not reunified with his/her family is not appropriate for adoption as defined in Welfare and Institutions Code Sections 366.26(c)(1)(A) through (D).

NOTE: Authority Cited: Sections 10553, 10554, 16002, and 16501, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 319, 361.3, 361.5, and 366.21 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 366.26(c), 16002, 16501, and 16501.1(e)(8), and (e)(9) (as added by Assembly Bill 1544, Chapter 793, Statutes of 1997), and 309(d), 319, 361.2, 727, 11402, and 16507.5(b), (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), Welfare and Institutions Code; 45 CFR 1356.21(d); and Section 11170(b), Penal Code.

<b>31-082</b>	<b>CRITERIA FOR IDENTIFYING CHILD WELFARE SERVICES CASES FOR PURPOSES OF CASELOAD REPORTING</b>	<b>31-082</b>
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- .1 When identifying child welfare services cases for purposes of caseload reporting, the county shall identify cases as receiving emergency response, family maintenance, family reunification, or permanent placement services based on the criteria specified in Sections 31-084 through 31-090.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 10852, 10853, and 16512, Welfare and Institutions Code and 42 CFR 1356.60.

<b>31-084</b>	<b>IDENTIFICATION OF CASES RECEIVING EMERGENCY RESPONSE SERVICES</b>	<b>31-084</b>
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- .1 The county shall report a referral as an emergency response referral when the referral alleges child abuse, neglect, or exploitation as defined in Penal Code Section 11165 et seq.
  - .11 The effective date for reporting an emergency response referral shall be the date the referral is received by the county.
- .2 The county shall report an emergency response referral as an emergency response assessment case when the social worker determines based upon the completed emergency response protocol that an in-person investigation is not required.
  - .21 The effective date for reporting an emergency response assessment case shall be the date that the emergency response protocol is completed in accordance with Section 31-105.21.
- .3 The county shall report an emergency response referral as an emergency response in-person investigation case when the social worker completes the in-person investigation and no further child welfare services are provided.
  - .31 The effective date for reporting an emergency response in-person investigation shall be the date the social worker's supervisor approves case closure.
- .4 The county shall report an emergency response referral as an emergency response services case disposition under any one of the following circumstances:

<b>31-084</b>	<b>IDENTIFICATION OF CASES RECEIVING EMERGENCY RESPONSE SERVICES (Continued)</b>	<b>31-084</b>
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- .41 The social worker has completed an in-person investigation and has provided emergency response services beyond the in-person investigation, but services beyond emergency response services are not provided.
  - .411 The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor approves case closure.
- .42 A petition for detention and/or jurisdiction has been filed and subsequently dismissed by the court and the parent(s)/guardian(s) has not consented to a program of supervision of the child.
  - .421 The effective date for reporting an emergency response services case disposition shall be the date of the hearing at which the petition is dismissed.
- .43 Prior to the court dispositional hearing only if all of the following criteria are met:
  - .431 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family maintenance, family reunification, or permanent placement services.
  - .432 The social worker's supervisor has approved the case plan recommending family maintenance, family reunification, or permanent placement services.
    - (a) The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor signs the completed case plan.
- .44 At the court dispositional hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that family maintenance, family reunification, or permanent placement services be provided.
  - .441 The effective date for reporting an emergency response services case disposition shall be the date of the dispositional hearing at which family maintenance, family reunification, or permanent placement services are ordered.



<b>31-084</b>	<b>IDENTIFICATION OF CASES RECEIVING EMERGENCY RESPONSE SERVICES (Continued)</b>	<b>31-084</b>
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- .45 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; and the family is voluntarily accepting family maintenance or family reunification services; and all of the following criteria have been met:
  - .451 The social worker has completed a case plan recommending voluntary family maintenance or voluntary family reunification services.
  - .452 The parent(s)/guardian(s) has reviewed and signed the case plan.
  - .453 The social worker's supervisor has approved the case plan recommending voluntary family maintenance or voluntary family reunification services.
    - (a) The effective date for reporting an emergency response services case disposition shall be the date the social worker's supervisor signs the completed case plan.
- .5 The county shall not report an in-person investigation or an emergency response services case disposition on a referral of a child for whom there is an open case unless one of the following circumstances exist:
  - .51 A social worker skilled in emergency response, other than the social worker assigned to the open case, conducts an in-person investigation as a result of the referral.
  - .52 The social worker skilled in emergency response files a petition for detention and/or jurisdiction, as a result of the in-person investigation.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 10852, 10853, 16208, and 16512, Welfare and Institutions Code.

<b>31-086</b>	<b>IDENTIFICATION OF CASES RECEIVING FAMILY MAINTENANCE SERVICES</b>	<b>31-086</b>
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- .1 The county shall report a case as receiving family maintenance services under any one of the following circumstances:
  - .11 Prior to the court dispositional hearing only if all of the following criteria are met:
    - .111 The child is receiving emergency response services.
    - .112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family maintenance services.
    - .113 The social worker's supervisor has approved the case plan recommending family maintenance services.
      - (a) The effective date for reporting a family maintenance services case shall be the date the social worker's supervisor signs the completed case plan.
  - .12 At the court dispositional hearing or at a status review hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300, the court has ordered that family maintenance services be provided.
    - .121 The effective date for reporting a family maintenance services case shall be the date of the hearing at which family maintenance services are ordered.
  - .13 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family maintenance services; and all of the following criteria have been met:
    - .131 The social worker has completed a case plan recommending voluntary family maintenance services.
    - .132 The parent(s)/guardian(s) has reviewed and signed the case plan.
    - .133 The social worker's supervisor has approved the case plan recommending voluntary family maintenance services.

<b>31-086</b>	<b>IDENTIFICATION OF CASES RECEIVING FAMILY MAINTENANCE SERVICES (Continued)</b>	<b>31-086</b>
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- (a) The effective date for reporting a family maintenance services case shall be the date the social worker's supervisor signs the completed case plan.
- .2 The county shall no longer report a case as receiving family maintenance services when the child is a dependent of the court under any one of the following circumstances:
  - .21 The court dismisses the dependency.
    - .211 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the dependency is dismissed.
  - .22 The court has ordered that family reunification services or permanent placement services be provided.
    - .221 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the services are ordered.
  - .23 The court declares the child is emancipated.
    - .231 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the court declared the child emancipated.
  - .24 The child reaches age 18.
  - .25 The statutory time limit allowed under Welfare and Institutions Code Section 16506 has expired.
    - .251 The statutory time limit shall be calculated from one of the following dates, whichever occurs first:
      - (a) If family maintenance services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan recommending family maintenance services.

<b>31-086</b>	<b>IDENTIFICATION OF CASES RECEIVING FAMILY MAINTENANCE SERVICES (Continued)</b>	<b>31-086</b>
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- (b) If family maintenance services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing or status review hearing at which family maintenance services were ordered.
- .26 The whereabouts of the child and/or family are unknown.
  - .261 The effective date of closure of the family maintenance services case shall be no later than six months from the date the county informs the court that the whereabouts of the child and/or family are unknown.
- .27 The child dies.
  - .271 The effective date of closure of the family maintenance services case shall be no later than 30 days from the date that the social worker is informed of the child's death.
- .3 The county shall no longer report a case as receiving family maintenance services when the child is a nondependent child receiving services voluntarily, or provided to the family of such child, under any one of the following circumstances:
  - .31 The case plan objectives are achieved and/or the child is no longer endangered.
    - .311 The effective date of closure of the family maintenance services case shall be the date the social worker's supervisor approves case closure.
  - .32 The maximum length of time agreed upon in the case plan or allowed under Welfare and Institutions Code Section 16506, whichever occurs first, expires.
  - .33 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family reunification services; and all of the following criteria have been met:

<b>31-086</b>	<b>IDENTIFICATION OF CASES RECEIVING FAMILY MAINTENANCE SERVICES (Continued)</b>	<b>31-086</b>
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- .331 The social worker has completed a case plan recommending voluntary family reunification services.
- .332 The parent(s)/guardian(s) has reviewed and signed the case plan.
- .333 The social worker's supervisor has approved the case plan recommending voluntary family reunification services.
  - (a) The effective date of closure of the family maintenance services case shall be the date the social worker's supervisor signs the case plan.
- .34 The child is receiving family maintenance services voluntarily and the court orders family reunification services.
  - .341 The effective date of closure of the family maintenance services case shall be the date of the court hearing at which family reunification services were ordered.
- .35 The parent(s)/guardian(s) requests termination of family maintenance services.
  - .351 The effective date of closure of the family maintenance services case shall be the date the parent(s)/guardian(s) requests termination of the services.
- .36 The court declares the child is emancipated.
  - .361 The effective date of closure of the family maintenance services case shall be the date of the hearing at which the court declares the child is emancipated.
- .37 The child reaches age 18.
- .38 The whereabouts of the child and/or family are unknown.

<b>31-086</b>	<b>IDENTIFICATION OF CASES RECEIVING FAMILY MAINTENANCE SERVICES (Continued)</b>	<b>31-086</b>
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.381 The effective date of closure of the family maintenance services case shall be the earlier of the following dates:

(a) Thirty (30) days from the date the social worker is first informed that the whereabouts of the child and/or family are unknown; or

(b) Sixty (60) days from the date the social worker made the last visit with the child and/or family.

.39 The child dies.

.391 The effective date of closure of the family maintenance services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 10852, 10853, 16506, and 16512, Welfare and Institutions Code.

<b>31-088</b>	<b>IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES</b>	<b>31-088</b>
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.1 The county shall report a case as receiving family reunification services under any one of the following circumstances:

.11 Prior to the court dispositional hearing only if all of the following criteria are met:

.111 The child is receiving emergency response or voluntary family maintenance services.

.112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending family reunification services.

.113 The social worker's supervisor has approved the case plan recommending family reunification services.

<b>31-088</b>	<b>IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES (Continued)</b>	<b>31-088</b>
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- (a) The effective date for reporting a family reunification services case shall be the date the social worker's supervisor signs the completed case plan.
- .12 At the court dispositional hearing or at a status review hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300, and the court has ordered that family reunification services be provided.
  - .121 The effective date for reporting a family reunification services case shall be the date of the hearing at which family reunification services are ordered.
- .13 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family reunification services; and all of the following criteria have been met:
  - .131 The social worker has completed a case plan recommending voluntary family reunification services.
  - .132 The parent(s)/guardian(s) has reviewed and signed the case plan.
  - .133 The social worker's supervisor has approved the case plan recommending voluntary family reunification services.
    - (a) The effective date for reporting a family reunification services case shall be the date the social worker's supervisor signs the completed case plan.
- .2 The county shall no longer report a case as receiving family reunification services when the child is a dependent of the court under any one of the following circumstances:
  - .21 The court dismisses the dependency.

<b>31-088</b>	<b>IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES (Continued)</b>	<b>31-088</b>
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- .211 The effective date of closure of the family reunification services case shall be the date of the hearing at which the dependency is dismissed.
- .22 The court has ordered that family maintenance or permanent placement services be provided.
  - .221 The effective date of closure of the family reunification services case shall be the date of the hearing at which the services are ordered.
- .23 The court has ordered the termination of family reunification services pending a hearing pursuant to Welfare and Institutions Code Section 366.26.
  - .231 The effective date of closure of the family reunification services case shall be the date of the hearing at which the court terminates family reunification services.
- .24 The court declares the child is emancipated.
  - .241 The effective date of closure of the family reunification services case shall be the date of the hearing at which the court declared the child emancipated.
- .25 The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.
- .26 The statutory time limit of 18 months, for purposes of claiming state funds for child welfare services, allowed under Welfare and Institutions Code Section 16507 has expired.
  - .261 The statutory time limit shall be calculated from one of the following dates, whichever occurs first:
    - (a) If family reunification services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan.
    - (b) If family reunification services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing, or status review hearing at which family reunification services were ordered.
- .27 The whereabouts of the child and/or family are unknown.



<b>31-088</b>	<b>IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES (Continued)</b>	<b>31-088</b>
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- | .271 The effective date of closure of the family reunification services case shall be no later than six months from the date the county informs the court that the whereabouts of the child and/or family are unknown.
- | .28 The child dies.
- | .281 The effective date of closure of the family reunification services case shall be no later than 30 days from the date that the social worker is informed of the child's death.
- .3 The county shall no longer report a case as receiving family reunification services when a nondependent child is receiving services voluntarily, or when services are provided to the family of such child, under any one of the following circumstances:
  - .31 The case plan objectives are achieved and/or the child is no longer endangered.
    - .311 The effective date of closure of the family reunification services case shall be the date the social worker's supervisor approves case closure.
  - .32 The maximum length of time agreed upon in the case plan or allowed under Welfare and Institutions Code Section 16507, whichever occurs first, expires.
  - .33 The family withdraws the child from voluntary placement.
    - .331 The effective date of closure of the family reunification services case shall be the date the parent(s)/guardian(s) requests termination of family reunification services.
  - .34 The child has the potential to be declared a dependent of the court under Welfare and Institutions Code Section 300; the family is voluntarily accepting family maintenance services; and all of the following criteria have been met:
    - .341 The social worker has completed a case plan recommending voluntary family maintenance services.

<b>31-088</b>	<b>IDENTIFICATION OF CASES RECEIVING FAMILY REUNIFICATION SERVICES (Continued)</b>	<b>31-088</b>
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- .342 The parent(s)/guardian(s) has reviewed and signed the case plan.
- .343 The social worker's supervisor has approved the case plan recommending voluntary family maintenance services.
  - (a) The effective date of closure of the family reunification services case shall be the date the social worker's supervisor signs the case plan.
- .35 The court declares the child is emancipated.
- .351 The effective date of closure of the family reunification services case shall be the date of the hearing at which the court declares the child is emancipated.
- .36 The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.
- .37 The whereabouts of the child and/or family are unknown.
- .371 The effective date of closure of the family reunification services case shall be the earlier of the following dates:
  - (a) Thirty (30) days from the date the social worker is first informed that the whereabouts of the child and/or family are unknown; or
  - (b) Sixty (60) days from the date the social worker made the last visit with the child and/or family.
- .38 The child dies.
- .381 The effective date of closure of the family reunification services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 10852, 10853, 16507, and 16512, Welfare and Institutions Code.

<b>31-090</b>	<b>IDENTIFICATION OF CASES RECEIVING PERMANENT PLACEMENT SERVICES</b>	<b>31-090</b>
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- .1 The county shall report a case as receiving permanent placement services under any one of the following circumstances:
  - .11 Prior to the court dispositional hearing only if all of the following criteria are met:
    - .111 The child is receiving emergency response services.
    - .112 The social worker has filed a petition for detention and/or jurisdiction and completed a case plan recommending permanent placement services.
    - .113 The social worker's supervisor has approved the case plan recommending permanent placement services.
      - (a) The effective date for reporting a permanent placement services case shall be the date the social worker's supervisor signs the case plan.
  - .12 At the court hearing for a child who has been declared a dependent of the court under Welfare and Institutions Code Section 300 and the court has ordered permanent placement services be provided, or the court has ordered the termination of family reunification services pending a hearing pursuant to Welfare and Institutions Code Section 366.26.
    - .121 The effective date for reporting a permanent placement services case shall be the date of the hearing at which permanent placement services are ordered, or family reunification services are terminated and a dependency is not dismissed.
  - .13 The statutory time limit of 18 months, for purposes of claiming state funds for child welfare services, allowed under Welfare and Institutions Code Section 16507 has expired.
    - .131 The statutory time limit shall be calculated from one of the following dates, whichever occurs first:
      - (a) If family reunification services are initiated and reported prior to the dispositional hearing, the statutory time limit shall be calculated from the date the social worker's supervisor signs the completed case plan.

<b>31-090</b>	<b>IDENTIFICATION OF CASES RECEIVING PERMANENT PLACEMENT SERVICES (Continued)</b>	<b>31-090</b>
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- (b) If family reunification services are ordered at the dispositional hearing or status review hearing, the statutory time limit shall be calculated from the date of the original dispositional hearing, or status review hearing at which family reunification services were ordered.
- .14 The case is a guardianship case requiring an open case plan in order for the nonrelated legal guardians of minors to maintain eligibility for AFDC-FC payments pursuant to Welfare and Institutions Code Section 11405.
  - .141 The effective date for reporting a permanent placement services case shall be the date the legal guardian is eligible to receive AFDC-FC payments.
- .2 The county shall no longer report a case as receiving permanent placement services under any one of the following circumstances:
  - .21 The court has ordered that family maintenance or family reunification services be provided.
    - .211 The effective date of closure of the permanent placement services case shall be the date of the hearing at which family maintenance or family reunification services are ordered.
  - .22 The court dismisses the dependency.
    - .221 The effective date of closure of the permanent placement services case shall be the date of the hearing at which the dependency is dismissed.
  - .23 A guardian is appointed for the child and AFDC-FC is discontinued.
    - .231 The effective date of closure of the permanent placement services case shall be the date AFDC-FC is discontinued.

<b>31-090</b>	<b>IDENTIFICATION OF CASES RECEIVING PERMANENT PLACEMENT SERVICES (Continued)</b>	<b>31-090</b>
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- .24 The court declares the child is emancipated.
  - .241 The effective date of closure of the permanent placement services cases shall be the date of the hearing at which the court declared the child emancipated.
- .25 The child reaches age 18 or no longer meets the eligibility criteria to receive foster care payments, whichever occurs last.
- .26 The whereabouts of the child are unknown.
  - .261 The effective date of closure of the permanent placement services case shall be no later than six months from the date the county informs the court that the whereabouts of the child are unknown.
- .27 The child dies.
  - .271 The effective date of closure of the permanent placement services case shall be no later than 30 days from the date that the social worker is informed of the child's death.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 300, 366.25, 366.26, 10852, 10853, 16507, 16508, and 16512, Welfare and Institutions Code.

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